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No. 252

In the Supreme Court of the United States

OCTOBER TERM, 1957

GRACE LINE, ET AL., PETITIONERS

v.

PANAMA CANAL COMPANY

ON CROSS-PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE PANAMA CANAL COMPANY

J. LEE RANKIN,
Solicitor General,
Department of Justice, Washington 25, D. C.

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MEMORANDUM FOR THE PANAMA CANAL COMPANY

This cross-petition for a writ of certiorari seeks review of a portion of the same judgment with respect to which the Panama Canal Company, respondent here, has filed its own petition for a writ of certiorari (October Term, 1957, No. 251). In No. 251, the Canal Company takes the position that the Court of Appeals erred in directing it to lower its tolls prospectively. Here, cross-petitioners contend that the Court of Appeals erred in failing to award damages compensating them for the allegedly excessive tolls paid by them in the past—because the Company did not lower the tolls in the past.

We submit that the decision below is correct to the extent that it rejects cross-petitioners' claim for

damages (cf. Pet. App. 23). However, for the reasons stated in No. 251, we believe that the major part of the decision below requires review by this Court, and it may be helpful for the Court to have the entire controversy before it so that it can make any disposition thereof which may be just. For that reason we do not oppose the granting of this cross-petition for a writ of certiorari, in the event that the petition in No. 251 is granted.

Respectfully submitted.

J. LEE RANKIN,
Solicitor General.

JUNE 1957.